

**Private Land/Public Wildlife Council**  
**Meeting summary**  
**March 3-4, 2004**  
**Helena, MT**

**Members Present:** Darlyne Dascher, Chair; George Bettas, Jamie Byrne, Michael Nathe, Don Bothwell, Craig Roberts, Tom Pugrud, Dan Walker, Donna Tate McDonald, Vito Quatraro, Rep. Michael Lange, Jack Rich.

**Absent:** Sen. Kim Hansen, Todd Tash, Paul Roos

**Fish, Wildlife & Parks Personnel:** Jeff Hagener, Director; Larry, Peterman, Chief of Field Operations; Glen Erickson, Field Services Division Administrator; Alan Charles, Landowner/Sportsman Coordinator; Don Childress, Wildlife Division Administrator; Chris Hunter, Fisheries Division Administrator; Sue Daly, Budget Dev. & Analysis Bureau Chief; Hank Woerseh, License Bureau Chief; Jim Kropp, Law Enforcement Division Administrator; Craig Jourdonnais, Reg. 3 Biologist; Brian Golie, Reg. 4 Warden; Coleen O'Rourke, Reg. 3 Block Management Coordinator

**Members of the Public Attending the Meeting and/or Nonresident Landowner Discussion:** John Wilkinson, Mike Whittington, Craig Sharpe, Russ Copeland, Dan Dellinger, Marty Lau, Larry Copenhagen, Jean Johnson, Jay Bodner, Wayne Johnston, Danny Dellinger, Royce Carroll, David Henderson, Rocky Harber, Todd Graham, Russ Miller, Roger Young,

**1) Information and Issues Update: Department staff provided information to Council members on the following topics:**

- **Habitat Montana** (Don Childress) – The 1987 Legislature passed HB526, which earmarked a portion of the big game license fees for several habitat programs. The law provides FWP the opportunity to purchase fee titles, leases and conservation easements for wildlife habitat. The Legislature has directed the Department to pursue more conservation easements than outright purchases of land. Under conservation easements, agricultural practices continue and there is minimal development that might impact wildlife. Easements seem to work best for the Department as agriculture can be good for wildlife, and operations and maintenance costs are less when the landowner stays on the property. This program is due to sunset, so the 2005 Legislature will be asked to reauthorize this program.
- **Private Land Fishing Access Program** (Chris Hunter) – This program was established by the 2001 Legislature. The Department has established program projects throughout the state and continues to explore ways to effectively implement the program. License dollars fund the program. This program is due to sunset, so the 2005 Legislature will be asked to reauthorize this program.
- **Landowner/Hunter Block Management Survey** (Alan Charles) – A survey of hunters and landowners participating in the program in 2003 has just been completed. Preliminary data from both hunters and landowners indicates that levels of satisfaction

with various elements of the Block Management Program have increased since a similar survey was conducted in 1996. A research report with complete information about the survey will be compiled by staff in the FWP Responsive Management Unit and provided to Council members by mid-to-late April.

- **Hunting Access Program Budget Overview** (Sue Daly) – Presently, there is a surplus in the Block Management account. However, expenditures are exceeding revenues, which is depleting this surplus. Various factors have contributed to the current situation, including revenues from variable-priced license fees, nonresident upland bird license fees, and hunting access enhancement fees not meeting projected levels in several years.
- **Program Growth Scenarios** (Alan Charles) – There can be expansion of the current program under various scenarios. Growth within the existing program can occur when land currently enrolled for no compensation changes management or ownership, or when the FWP Commission extends hunting season dates. Growth of the existing program can occur when acres, cooperators, hunter days, or types of hunting opportunities are added. And growth beyond the existing program can occur if the Council or the Department expands the direction or benefits of the existing program. Hopefully the Council's recommendations will consider a) what does the program look like now, and what should it look like in the future; b) what are the resources required for both the existing program and any new directions that might be recommended; and c) where should those resources come from?

**2) Subcommittee Work Sessions:** Four subcommittees worked throughout much of the meeting on their assigned areas of interest, reporting back to the entire Council for feedback on their initial work. The subcommittee reports listed below reflect the preliminary concepts and possible draft recommendations of the subcommittees based upon feed back from the entire Council. In reporting back to the Council, subcommittee members were asked to frame their reports to answer the following questions:

*What should continue as is in the current program?*

*What should be expanded and how?*

*What should be changed and if so how?*

*What new directions or new approaches should be considered within specific areas?*

### **3) Subcommittee Reports**

#### **A. Options/Flexibility Subcommittee** (Dan Walker, Tom Pugrud, Paul Roos)

Maintain status quo – re-authorize the program with or without the sunset provision. This is the main recommendation and needs to be stressed. Council discussed pros and cons of extending or removing sunset provision, with most Council members favoring removing sunset, but no decision was reached.

Ways to expand the existing program could include enrolling contiguous acreage in order to build larger blocks for hunting and negotiating for fishing access with the same landowner using separate contracts and funding for each type of access.

Changes in the existing program could include efforts to address the following:

- Explore ways to assist hunters in identifying their location;
- Trespass laws - land is open to hunting but being unable to locate the landowner for permission could cause sportsperson to be in violation of the law;
- Better identification of property available for hunting but not enrolled in the Block Management Program; how could this be signed and still keep land's present status without making it a part of the program;
- Database for access to county maps;
- Incentives for partial season access;
- Need to be cautious in making changes to the present program as it works well in its current format.

Possible new directions include:

- Landowner license opportunities and compensation should be equal for all cooperators regardless of residency status;
- Review the payment system for cooperators who limit hunting opportunities to certain species or shorten the length of time land is open.

**B. Incentives Subcommittee** (Jack Rich, Craig Roberts, Darlyne Dascher, Todd Tash)

Program should continue as is, maintaining current incentives including:

- Appropriate recognition of cooperators is important and should continue
- Limited liability protection for cooperators
- Cash compensation
- FWP assist in management of public hunting
- Livestock loss compensation
- Assist with weed control

Possible ways to expand the current program include the following:

- Expand the types of licenses available to both nonresident and resident landowners. Both resident and nonresident landowners should be able to sponsor deer hunters for the landowner sponsor license (*this would require legislation*).
- FWP should encourage shared use of land between outfitters and non-outfitters. Continue to search for ways to accomplish this.
- Expand public recognition of all landowners who allow hunting, not just those in the Block Management program.

Possible ways to change the current program include exploring incidental benefits, and striving for more consistent ways to compensate and recognize cooperators.

Potential new directions include the following:

- Encourage FWP to purchase permanent recreation access through conservation easements.
- FWP should explore opportunities to coordinate access for young and disabled hunters with landowners who do not ordinarily allow any public hunting but may be willing to allow some hunting for these individuals.

**C. Enforcement Subcommittee** (Don Bothwell, Donna McDonald, Michael Nathe, Ken Hansen)

Continue the current program, consider maintaining the status quo as the minimum acceptable standard.

Possible ways to expand within the current program include the following:

- Increase the administrative involvement of wardens year around (contract process, “fence post time,” etc.)
- Improve maps issued for Block Management Areas, include landowner feedback and corrections. Standardize formats of maps issued for BMP;
- Improve signage, frequency, and visibility. Add “Ranch Vehicle Access Only” to sign inventory.
- Create consistent violator reports, include in regulations, issue with Block Management Area maps. Train hunter safety students regarding violations, the report forms and procedures for reporting.

Possible new directions include the following:

- Make Block Management and access issues an agency priority for all FWP employees throughout the state.
- Work toward consolidation of access programs throughout the agency
- Find ways to increase wardens in the field and allocate time to access programs.

**D. Funding Subcommittee** (Michael Lange, Jaime Byrne, George Bettas, Vito Quatraro)

While the subcommittee acknowledged the need to continue the program, they were not yet ready to offer any draft recommendations, instead presenting several preliminary concepts for funding options. They have asked the Department for some fiscal analysis of these concepts and will continue work between now and the June meeting. Concepts discussed included the following:

- Voluntary funding – advertising in Block Management tabloids to reduce costs.
- Implement a “Concerned Sportsmen” sticker. Citizens could purchase stickers and the dollars generated would go toward Block Management.
- Economic development corporation model – tax incentives for businesses that invest in BMP.
- Montana Access Partners – members of the public who would review recommendations on where to spend the dollars, including federal monies.

- Super tag – special drawing for a certain number of tags set aside from the various license types. Sportsmen can apply up to five times for a fee for each drawing. If successful in this drawing, applicant could hunt the species in any open unit in the state during the hunting season. The applicant could apply for this drawing in addition to the regular drawings. The dollars generated would go toward Block Management. This is similar to something utilized in Idaho.
- Dual price tag –two different price levels would be set for a certain type and number of tags. Nonresidents could apply for either price level. The odds of success would be better in the higher level. *Note: This could address a possible flaw in the current system. Some outfitters are advising clients to apply for the general drawing. If they are unsuccessful they can then get an outfitter-sponsored tags. This is against the idea of the variable priced tag. By applying for the dual priced tag, FWP would be able to see that an applicant was not eligible for the outfitter sponsored tag. When the time limit for sales of outfitter-sponsored tags is up, left over tags should be offered to an alternate list of applicants unsuccessful in the general drawing at the outfitter sponsored tag price.*
- All funding proposal concepts discussed above would have revenue earmarked for access enhancement programs.

#### **4. PUBLIC COMMENTS**

The following individuals offered comments for the Council's consideration:

Jean Johnson, former Executive Officer of the Montana Board of Outfitters and Guides, Marty Lau, member of the Upland Game Bird Advisory Council and sportsman, Mike Whittington, member of the Billings Rod & gun Club and Magic City Fly Fishers; Russ Copeland, Executive Officer of the Montana Board of Outfitters and Guides; Larry Copenhaver, Conservation Director of the Montana Wildlife Federation; John Wilkinson, outfitter, rancher and sportsman.

#### **5. NONRESIDENT LANDOWNERS – ISSUES & IDEAS DISCUSSION**

The following ranch owners and managers accepted the Council's invitation to join them I in a roundtable discussion of some of the ideas and issues that may be of concern to nonresident landowners regarding wildlife and public hunting access. While a full text of the two-hour discussion is not presented here, some of the key points are listed below:

Rocky Harber – Manager, Dearborn Ranch  
Royce Carroll – Owner, Carroll Ranch  
David Henderson – Manager, Carroll Ranch  
Todd Graham, Manager, Sun Ranch  
Roger Young – Manager, Papoose Creek Lodge, Sun Ranch Manager  
Russ Miller – Manager, Turner Ranches

- One ranch owner allows hunting and assists hunters in locating game and, as necessary, packing out game. He decided to not allow outfitter leasing in order to be able to allow resident hunting. Will the guiding principal regarding private property rights include nonresidents and what is meant by 'the hunting public?' Nonresidents landowners should have access to the same pool of licenses as residents. This ranch owner indicated he does not want access for all licenses but only for deer and is willing to pay for whatever licenses would be made available.
- The nonresident landowner's contribution to wildlife should be recognized. There is market value on forage used by the elk. There should be incentives recognizing the contribution the landowners make toward wildlife habitat.
- Why is there a distinction between resident and nonresident landowners?
- Most ranches work for conservation of native species and are willing to work in partnership with FWP.
- The perception that some landowners take advantage of the wildlife for commercial purposes is not true of many nonresident landowners.
- The late season hunts need to be left in place as a tool for elk management.
- Some ranches are experimenting with different types of fences that can be put up in the summer and laid down in the fall. This reduces the problem of the elk damaging fences.
- Some nonresident landowners want more game on their land as they like being able to view the animals and some are working to improve the quality and quantity of game and habitat on their lands. This could have a negative impact on the smaller neighboring ranches.
- Not all nonresident landowners want to participate in Block Management.
- It is not fair that nonresident landowners are only allowed one license through Block Management. For multiple owners this prevents their ability to hunt together.
- There is a need for more law enforcement.
- Perhaps a tax incentive should be offered for opening lands.
- There should be compensation for the nonresident landowner who allows hunting.
- The habitat provided by the landowner should be considered along with the access.

## **6. COUNCIL'S RESPONSE TO THE NONRESIDENT LANDOWNER DISCUSSION:**

Following the roundtable discussion about nonresident landowner issues and ideas, Council members listed some of their reactions to what they heard. Those comments are listed below:

- There should "fairness" in terms of cash compensation and hunting in the Block Management Program.
- An acre is an acre, regardless of ownership.
- The rationale that has supported past resident/non-resident treatment doesn't make sense.
- Fairness and access go together.
- Our discussion identified the opportunity to increase assess and increase education of landowners.
- The different needs of landowners must be identified. If the needs of one owner can be met without impacting others, discussion among them about management of lands may help access and relationships. The Department should be the liaison to foster good relationships and should be considered a criterion in the leasing agreement.
- Money alone isn't going to open new lands. We need lots of tools to open those lands. What weight do we give to good stewardship of land? What weight do we give to quality of the hunting experience versus quantity? We need to recognize the diversity of landowners and create tools to accommodate their diverse needs.
- We need to look carefully at "herd management" rather than hunting districts. We don't want to create a de-facto game farm or game sanctuaries.
- Landowners take pride in their wildlife and habitat regardless of ownership. We need to be fair and level the playing field.
- All landowners should be eligible for a landowner sponsor tag. The current system needs to be reviewed because there is some abuse. Some Block Management cooperators would rather have tags than money. We should consider the possibility of tags in lieu of money, to be used only on their property within an established formula.
- We may need to hear from other kinds of landowners.
- Is the assumption that maximizing for wildlife habitat as the best use of land in Montana appropriate?

## **7. WHERE TO FROM HERE?**

- Council members will continue to work amongst themselves and their subcommittees to further develop concepts for presentation as preliminary draft recommendations at the next meeting;
- FWP staff assignments include various fiscal analysis and development of a draft timetable for soliciting public input and adopting final recommendations;

**NEXT MEETING:** June 15-16, 2004, in Helena.

**Council Adjourned**